

City Council Introduction: **Monday**, March 26, 2001
Public Hearing: **Monday**, April 2, 2001, at **1:30 p.m.**

Bill No. 01-13

FACTSHEET

TITLE: **DECLARATION OF SURPLUS PROPERTY**, requested by the Director of Parks & Recreation, to declare a .75 acre portion of Lot 2, Fairview Cemetery 1st Addition, generally located near No. 84th Street and Adams Street, as surplus property.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 01/10/01
Administrative Action: 01/10/01

STAFF RECOMMENDATION: A finding of conformance with the Comprehensive with conditions of approval.

RECOMMENDATION: A finding of conformance with the Comprehensive Plan and Conditional Approval (7-0: Bayer, Carlson, Duvall, Hunter, Krieser, Newman and Schwinn voting 'yes'; Taylor and Steward absent).

FINDINGS OF FACT:

1. The Planning staff recommendation to find this proposed declaration of surplus property to be in conformance with the Comprehensive Plan, with conditions of approval, is based upon the "Analysis" as set forth on pp.2-3, concluding that the land is designated in the Comprehensive Plan for Parks and Open Space use. However, the Parks and Recreation Department has determined that this parcel is not likely to be incorporated into parks and recreation facilities of Mahoney Park. Its use by Fairview Cemetery would retain the land in a community-related open space use. The Parks and Recreation Advisory Board recommends that the property be declared surplus. Other city agencies have reviewed the surplus land request and have determined that it would not be of use to the City. This proposal is in conformance with the goals of the Comprehensive Plan in that the open space and recreational needs of the neighborhood residents are served by Mahoney Park and the City does not anticipate that this parcel can enhance Mahoney Park. Administrative subdivision and restrictions or easements with the sale are recommended to insure future cooperation in the development of access and to insure compatibility with the Park and the Cemetery.
2. This item was placed on the Consent Agenda of the Planning Commission on January 10, 2001, and opened for public hearing. No one came forward to speak.
3. The Planning Commission agreed with the staff recommendation.
4. The recommendation from the City Real Estate Division with regard to sale price and transfer of title is found on p.012.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: March 19, 2001

REVIEWED BY: _____

DATE: March 19, 2001

REFERENCE NUMBER: FS\CC\FSCPC00009

W44

DATE: December 22, 2000

PROPOSAL: To find that the declaration of surplus property of a .75 acre portion of Lot 2, Fairview Cemetery 1st Addition near N. 84th Street and Adams Street is in conformance with the Comprehensive Plan.

GENERAL INFORMATION:

APPLICANT: Michelle Krupicka
Housing Rehab and Real Estate Division for:

Lynn Johnson, Director
Parks and Recreation Department
2740 A Street
Lincoln, NE 68502
(402) 441-8617

PURPOSE: To find that the declaration of a parcel of land as surplus is in conformance with the Comprehensive Plan.

LEGAL DESCRIPTION: A .75 acre portion of Lot 2, Fairview Cemetery 1st Addition, located in Section 10, Township 10 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska.

EXISTING ZONING: P Public

EXISTING LAND USE: Vacant land adjacent Fairview Cemetery and Mahoney Park.

SURROUNDING LAND USE AND ZONING: To the south is Fairview Cemetery, to the west is the remaining portion of Lot 2, Fairview Cemetery 1st Addition, which is a vacant, publicly owned parcel, and to the north is Mahoney Park. All of these properties are zoned “P” Public Use. To the east across N. 84th Street is agricultural land zoned “AG” Agricultural.

COMPREHENSIVE PLAN SPECIFICATIONS: The 1994 Lincoln/Lancaster County Comprehensive Plan designates this area as “Parks and Open Space.”

ANALYSIS:

1. This is a request by the Parks and Recreation Department to declare surplus a parcel of .75 acres on the north edge of Fairview Cemetery, adjacent to Mahoney Park. Fairview, the Havelock town cemetery, was acquired by the City of Lincoln when it annexed the City of

Havelock in 1930. Before the City deeded Fairview to Wyuka Cemetery in 1996, it subdivided Fairview Cemetery into Lots 1 and 2, and the City retained the smaller Lot 2 at the north edge of the Cemetery. This declaration of surplus property covers part of Lot 2.

2. Wyuka Cemetery has requested the purchase of the subject property for future construction of a maintenance facility. The Parks and Recreation Advisory Board reviewed the request on Sept. 14, 2000 and recommended that the land be declared surplus and sold to Wyuka Cemetery. (See attached memo, Lynn Johnson to Clint Thomas.)
3. Lynn Johnson, Director of Parks and Recreation, notes that the subject property is adjacent to an undeveloped portion of Mahoney Park and furthermore, is separated from the Park by a future access road. Johnson states "Therefore it is unlikely that it could be incorporated with development of additional parks and recreation facilities in Mahoney Park in the future."
4. The 1994 Comprehensive Plan shows Mahoney Park as "Parks and Open Space and shows Fairview Cemetery as "Public and Semi-Public." Sale of the subject parcel to Fairview Cemetery for use associated with the cemetery would essentially retain the property in a community open-space use.
5. Parks and Recreation has recommended that restrictions or easements be included in any sale of this property to prohibit establishment of a retail/commercial business on the property, and to encourage joint development of an access drive north of the subject property, for access to future Cemetery or park facilities. If the City chooses to declare this land surplus and offer it for sale, an administrative subdivision should be carried out, at which time restrictions or easements can be applied to the newly created parcel.
6. No other City agencies responded with comments or objections to notification of the proposal to declare this parcel surplus.

CONCLUSION:

The land is designated in the Comprehensive Plan for Parks and Open Space use. However, the Parks and Recreation Department has determined that this parcel is not likely to be incorporated into parks and recreation facilities of Mahoney Park. Its use by Fairview Cemetery would retain the land in a community-related open space use. The Parks and Recreation Advisory Board recommends that the property be declared surplus.

Other city agencies have reviewed the surplus land request and have determined that it would not be of use to the City.

This proposal is in conformance with the goals of the Comprehensive Plan in that the open space and recreational needs of the neighborhood residents are served by Mahoney Park and the City does not anticipate that this parcel can enhance Mahoney Park. Administrative subdivision and restrictions or easements with the sale are recommended to insure future cooperation in the development of access and to insure compatibility with the Park and the Cemetery.

STAFF RECOMMENDATION: Finding that a declaration of the property as surplus is in conformance with the Comprehensive Plan.

Recommended conditions prior to scheduling of this item before City Council:

1. Applicant provide a legal description of the subject parcel to the satisfaction of the City Attorney.

Recommended conditions prior to or at the time of sale of the property:

1. Subdivide Lot 2 of Fairview Cemetery First Addition to create two parcels.
2. By deed restriction, prohibit use of the subject property for retail, industrial, or commercial businesses.
3. By easement or subdivision, provide for a future access drive north of the subject property on City land, with an access easement provided to the Cemetery and a requirement for equal sharing of the cost of developing that drive.
4. That the subdivision comply with all conditions and requirements of the subdivision regulations.
5. That an access easement be provided along N. 84th Street to the satisfaction of the Public Works Dept. for future right-of-way needs.

Prepared by:

Edward F. Zimmer
Planning Department

COMPREHENSIVE PLAN CONFORMANCE NO. 00009

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

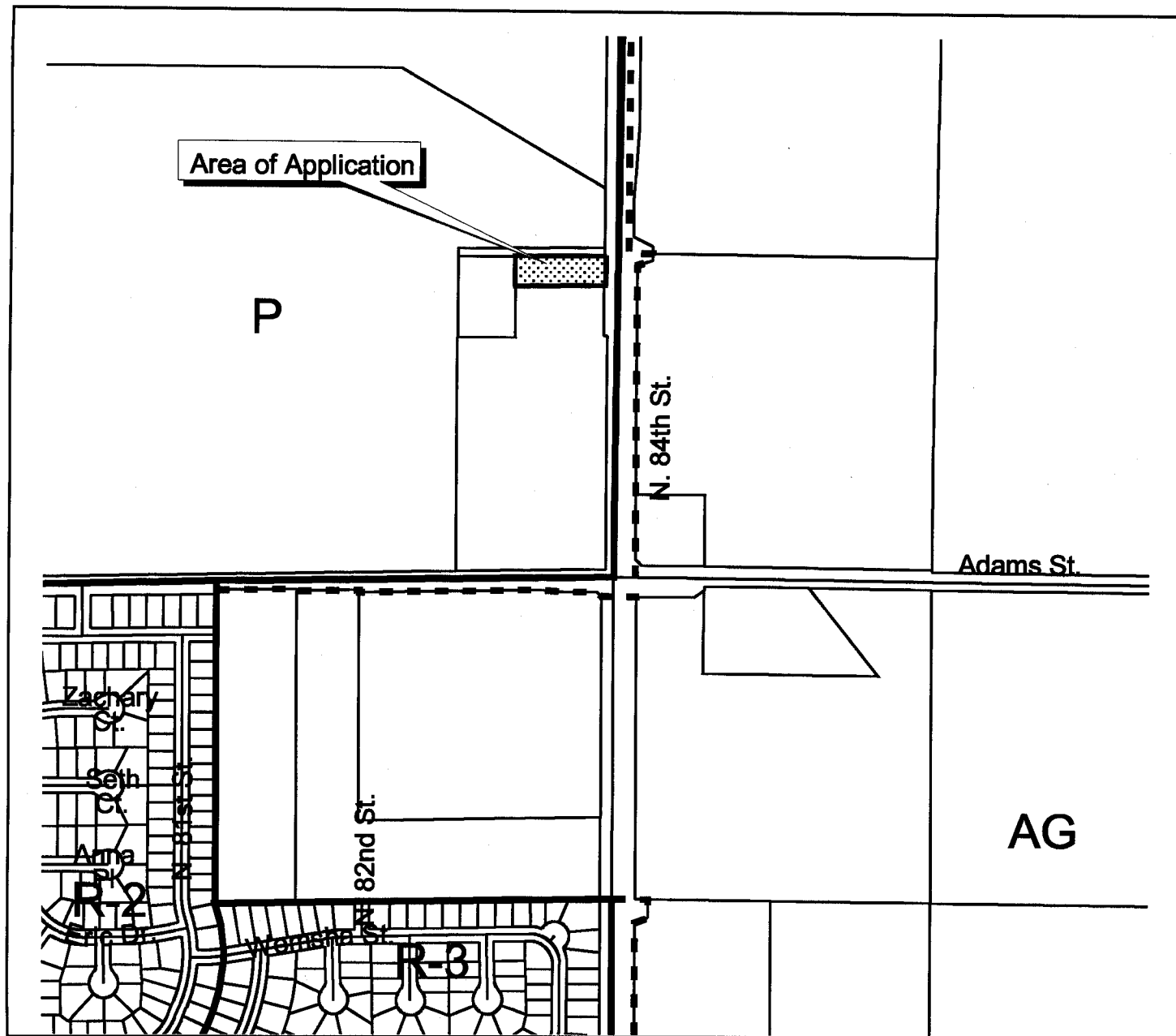
January 10, 2001

Members present: Bayer, Carlson, Duvall, Hunter, Krieser, Newman and Schwinn; Taylor and Steward absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3296, SPECIAL PERMIT NO. 1890, COMPREHENSIVE PLAN CONFORMANCE NO. 00009** and **COMPREHENSIVE PLAN CONFORMANCE NO. 00010**.

Item No. 1.4, Comprehensive Plan Conformance No. 00010, was removed from the Consent Agenda and scheduled for separate public hearing at the request of Commissioner Carlson.

Newman moved to approve the remaining Consent Agenda, seconded by Schwinn and carried 7-0: Bayer, Carlson, Duvall, Hunter, Krieser, Newman and Schwinn voting 'yes'; Taylor and Steward absent.



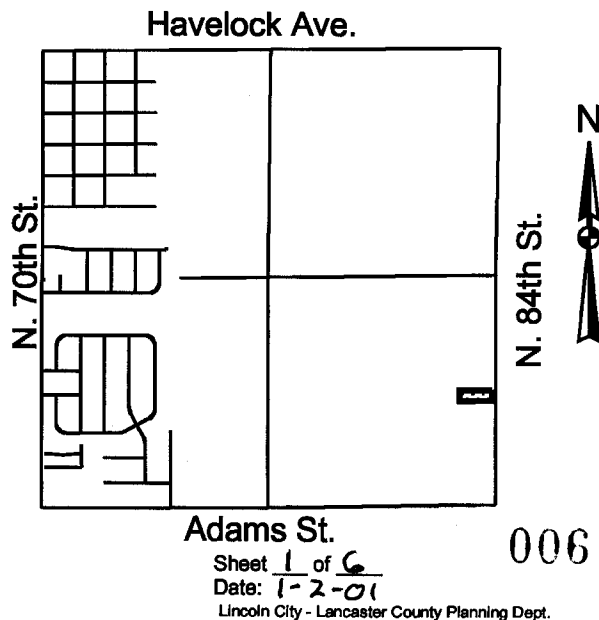
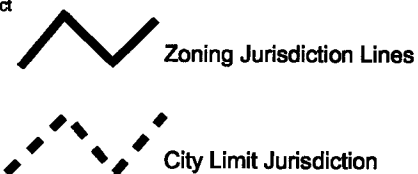
Comp. Plan Conformance #00009 **N. 84th & Adams St.**

Zoning:

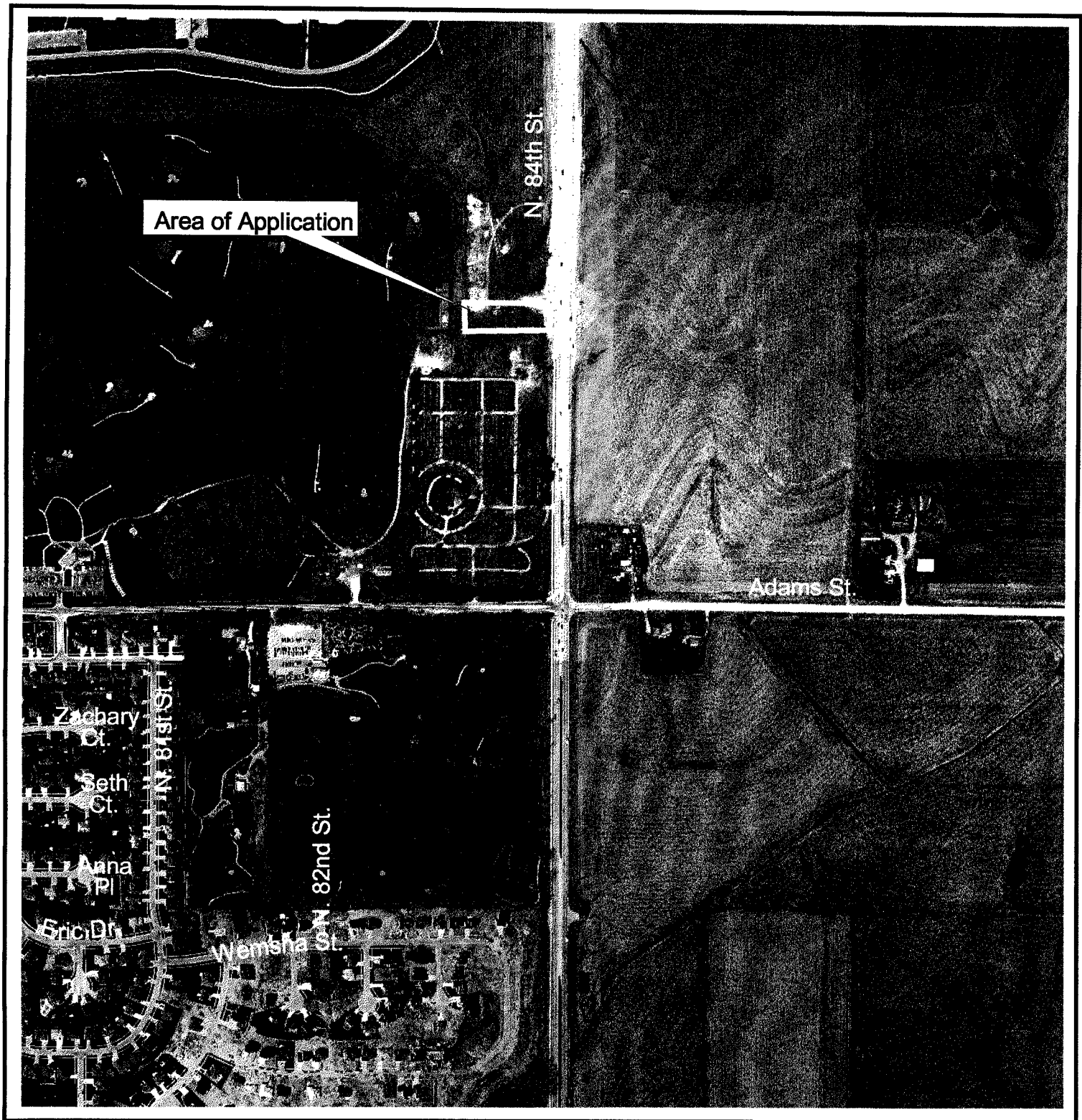
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

m:\plan\arcview\hpc\lpc00009 (layout 1)

One Square Mile
 Sec. 10 T10N R7E



Sheet 1 of 6
 Date: 1-2-01
 Lincoln City - Lancaster County Planning Dept.



Comp. Plan Conformance #00009
N. 84th & Adams St.



Sheet 2 of 6

Date: 1-2-01

Photograph Date: 1997 007

Lincoln City - Lancaster County Planning Dept.

interoffice
M E M O R A N D U M*Michelle Krupicka*

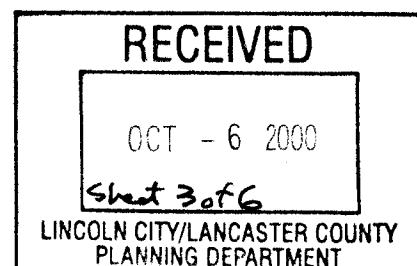
to: Kathleen Sellman, Planning Department
from: Michelle Krupicka, Housing Rehab and Real Estate Division
subject: Declaration of Surplus Property - Portion of Lot 2, Fairview Cemetery 1st Add.
date: October 5, 2000

The Parks and Recreation Department is requesting that a portion of Lot 2, Fairview Cemetery 1st Addition be declared surplus and sold to Wyuka Cemetery for future construction of a maintenance facility. The subject site (0.75 acre) is located immediately north of Fairview Cemetery along North 84th Street. When ownership of Fairview Cemetery was transferred to Wyuka, the area was subdivided and Lot 2 was retained by the City. It is not a portion of Mahoney Park or the Golf Course. An access drive from North 84th Street is located at the northeast corner of the subject site. It is anticipated this access drive would be developed at some time in the future to provide access to both Fairview Cemetery and the eastern portion of Mahoney Park. It is suggested that the access drive remain in public ownership and an access easement be granted to Wyuka Cemetery.

I have attached the memo from Lynn Johnson, Parks and Recreation Director, with additional details and a map showing the area to be declared surplus.

Please respond in 30 days or less as to any comments or objections your department may have in declaring this property surplus. If we have not received a response during this time period, we will assume you have no objections and will proceed with the disposition of this property.

Attachments



interoffice
M E M O R A N D U M

to: Jean Walker, Planning Department
from: Michelle Krupicka, Housing Rehab and Real Estate Division
subject: Declaration of Surplus Properties - Portion of Lot 2, Fairview Cemetery 1st Add.
date: November 20, 2000

Please place on the next Planning Commission agenda a request to declare surplus a portion of Lot 2, Fairview Cemetery 1st Addition as noted on the attached map.

We have not received responses from any of the City Departments and public agencies we notified in accordance with the surplus property disposition procedures so we assume there are no objections and would like to proceed with the disposition of this property. The original request is attached.

If you have any questions, please feel free to call me at 441-8617.

Attachments



Memorandum

TO: Clint Thomas, Real Estate

FR: Lynn Johnson, Parks and Recreation

RE: Mahoney Park / Fairview Cemetery Surplus Property Declaration

The purpose of this memo is to request that the process be initiated declare approximately 0.75 acres of publicly owned land located immediately north of Fairview Cemetery surplus to the needs of the City. Mike Hutchinson of Wyuka Cemetery requested consideration of the sale of additional land in the vicinity of Fairview Cemetery for future construction of a maintenance facility. The Parks and Recreation Advisory Board reviewed the request during their regular meeting of September 14, 2000 and recommended that the property be declared surplus and sold to Wyuka Cemetery. The Board recommended that a deed restriction be attached to the property prohibiting establishment of a retail/commercial business on the property.

The subject 0.75 acre site is located immediately north of Fairview Cemetery along North 84th Street. (Please see the attached site plan.) The subject site is a portion of a five acre parcel that was subdivided when ownership of Fairview Cemetery was transferred to Wyuka Cemetery. The site is not a portion of the developed area of Mahoney Park or Mahoney Golf Course. The site is separated from the undeveloped portion of Mahoney Park by a future access drive. Therefore it is unlikely that it could be incorporated with development of additional parks and recreation facilities in Mahoney Park in the future.

An access drive from North 84th Street is located at the northeast corner of the subject site. It is anticipated that this access drive would be developed at some time in the future to provide access to both Fairview Cemetery and future development in the eastern portion of Mahoney Park. It is suggested that the access drive remain in public ownership and an access easement be granted to Wyuka Cemetery. The purchase and sales agreement should state that the City and Wyuka Cemetery agree to share equally in the cost of developing the access drive at such time as either party initiates construction of facilities which would derive access from the drive.

Please phone me at 441-8265 with questions or comments. Thanks for your assistance!

INTEROFFICE MEMORANDUM

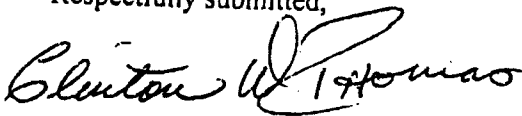
TO: City Council Members
FROM: Clinton W. Thomas
DEPARTMENT: City Council Office
DEPARTMENT: Real Estate Division
ATTENTION:
DATE: January 19, 2001
COPIES TO: Joan Ross
Kathleen Sellman
Dana Roper
Byron Blum
SUBJECT: Mahoney Park/Fairview Cemetery
Surplus Property Declaration

A request has been made by the Parks and Recreation Department to declare a portion of Mahoney Park adjacent to Fairview Cemetery surplus in order to transfer title to Wyuka Cemetery. It is my understanding the purpose of this transfer would be to help Wyuka Cemetery set up a perpetual care fund for the Fairview Cemetery. Since the cemetery had been held in public hands and maintenance was a budget item, no money was ever set aside for the perpetual care and maintenance of the cemetery. It is my understanding the transfer of this property would allow Wyuka Cemetery to move their existing maintenance shed and make additional lots available for sale. The proceeds would be used to establish the perpetual care fund which I believe is in the best interest of the public as well as the cemetery owners.

The Parks and Recreation Department has indicated their desire to restrict the use of the property to cemetery purposes and prohibit the establishment of retail/commercial business on the property should it be transferred to Wyuka Cemetery in this manner. They have also asked that Wyuka Cemetery agree to share equally in the cost of developing an access drive at such time as it is needed.

Since the continued care and maintenance of the cemetery is in the best interest of all parties and a perpetual care and maintenance fund would ordinarily be transferred in conjunction with the sale of a cemetery, it would seem appropriate to transfer the land to Wyuka Cemetery so the care and maintenance of the cemetery could be perpetuated. Therefore, it is recommended, if the area be declared surplus, it be transferred to Wyuka Cemetery at no cost with the covenants and restrictions requested by the Parks and Recreation Department.

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023

dge

